

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DUSA PHARMACEUTICALS, INC.

Plaintiff

v.

BIOFRONTERA INC., BIOFRONTERA  
BIOSCIENCE GMBH, BIOFRONTERA  
PHARMA GMBH, BIOFRONTERA  
DEVELOPMENT GMBH,  
BIOFRONTERA NEUROSCIENCE  
GMBH, AND BIOFRONTERA AG,

Defendants.

Civil Action No. 1:18-cv-10568-RGS

---

**JOINT NOTICE OF SETTLEMENT**

---

The Parties have reached a fully-executed and binding agreement resolving their dispute based on a confidential settlement agreement. The Parties expect to finalize and consummate the relevant details within 30 days, which will include a joint motion to dismiss with prejudice and a request for the Court to retain its jurisdiction to enforce the Parties' agreement.

Accordingly, the Parties respectfully request that the Court enter a settlement order of dismissal, providing that this action will be dismissed with prejudice in 30 days so long as the settlement is consummated.

The Parties thank the Court and its staff for all of their efforts in overseeing this litigation over the past nearly four years.

Dated: November 29, 2021

Respectfully submitted,

/s/ Betty Chen

Kevin Su, MA Bar No. 663726  
su@fr.com  
Fish & Richardson P.C.  
One Marina Park Drive  
Boston, MA 02110  
Phone: 617-542-5070 / Fax: 617-542-8906

Betty H. Chen, SBN 290588  
Admitted *pro hac vice*, bchen@fr.com  
Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Phone: 650-893-5070 / Fax: 650-893-5071

Jacqueline Tio, GA Bar No. 940376  
Admitted *pro hac vice*, tio@fr.com  
Wonjoon Chung, GA Bar No. 396468  
Admitted *pro hac vice*, chung@fr.com  
Fish & Richardson P.C.  
1180 Peachtree Street N.E., 21st floor  
Atlanta, GA 30309  
Phone: 404-892-5005 / Fax: 404-892-5002

Jeremy T. Saks, NY Reg. No. 5302542  
Admitted *pro hac vice*, saks@fr.com  
Fish & Richardson P.C.  
601 Lexington Avenue, 52nd Floor  
New York, NY 10022 Kevin Su, BBO  
#663726  
su@fr.com  
Adam J. Kessel, BBO #661211  
kessel@fr.com  
Andrew G. Pearson, BBO#688709  
pearson@fr.com  
Fish & Richardson P.C.  
One Marina Park Drive  
Boston, MA 02110  
Phone: 617-542-5070 / Fax: 617-542-8906

Betty H. Chen, SBN 290588  
Admitted *pro hac vice*, bchen@fr.com  
Bryan K. Basso, CA Bar No. 278973  
Admitted *pro hac vice*, basso@fr.com

/s/ Justin R. Lowery

Carolee Ann Hoover (BBO No. 665104)  
MCGUIREWOODS LLP  
Two Embarcadero Center  
201 Clay Street, Suite 1300  
San Francisco, CA 94111  
Telephone: 415.844.1971  
Facsimile: 415.844.1914  
choover@mcguirewoods.com

Nellie E. Hestin (BBO No. 676886)  
MCGUIREWOODS LLP  
Tower Two-Sixty  
260 Forbes Avenue, Suite 1800  
Pittsburgh, PA 15222  
Telephone: 412.667.7909  
Facsimile: 412.667.7993  
nhestin@mcguirewoods.com

David E. Finkelson (pro hac vice)  
Brian C. Riopelle (pro hac vice)  
Justin R. Lowery (pro hac vice)  
Lyle D. Kossis (pro hac vice)  
MCGUIREWOODS LLP  
Gateway Plaza  
800 East Canal St  
Richmond, VA 23219-3916  
Telephone: (804) 775-1157  
Fax: (804) 225-5377  
dfinkelson@mcguirewoods.com  
briopelle@mcguirewoods.com  
jlowery@mcguirewoods.com  
lkossis@mcguirewoods.com

***Attorneys for Biofrontera Defendants***

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Phone: 650-893-5070 / Fax: 650-893-5071

Jacqueline Tio, GA Bar No. 940367  
Admitted pro hac vice, tio@fr.com  
Wonjoon Chung, GA Bar No. 396468  
Admitted pro hac vice, chung@fr.com  
Fish & Richardson P.C.  
1180 Peachtree Street N.E., 21st floor  
Atlanta, GA 30309  
Phone: 404-892-5005 / Fax: 404-892-5002

Jeremy T. Saks, NY Reg. No. 5302542  
Admitted pro hac vice, saks@fr.com  
Fish & Richardson P.C.  
601 Lexington Avenue, 52nd Floor  
New York, NY 10022  
Phone: 212-765-5070 / Fax: 212-258-2291

***Attorneys for Plaintiff DUSA  
Pharmaceuticals, Inc.***